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**BEFORE THE ARIZONA POWER PLANT AND
TRANSMISSION LINE SITING COMMITTEE**

IN THE MATTER OF THE APPLICATION
OF SUNZIA TRANSMISSION LLC, IN
CONFORMANCE WITH THE
REQUIREMENTS OF ARIZONA
REVISED STATUTES 40-360, ET SEQ.,
FOR A CERTIFICATE OF
ENVIRONMENTAL COMPATIBILITY
AUTHORIZING THE SUNZIA
SOUTHWEST TRANSMISSION
PROJECT, WHICH INCLUDES THE
CONSTRUCTION OF TWO NEW 500 KV
TRANSMISSION LINES AND
ASSOCIATED FACILITIES
ORIGINATING AT A NEW SUBSTATION
(SUNZIA EAST) IN LINCOLN COUNTY,
NEW MEXICO, AND TERMINATING AT
THE PINAL CENTRAL SUBSTATION IN
PINAL COUNTY, ARIZONA. THE
ARIZONA PORTION OF THE PROJECT
IS LOCATED WITHIN GRAHAM,
GREENLEE, COCHISE, PINAL, AND
PIMA COUNTIES.

DOCKET NO. L-00000YY-15-0318-
00171

Case No. 171

**NOTICE OF LODGING
SUMMARY TESTIMONY OF
WILLIAM DUNN ON BEHALF OF
WINKELMAN NATURAL
RESOURCE CONSERVATION
DISTRICT**

Arizona Corporation Commission

DOCKETED

OCT 13 2015

DOCKETED BY

BTU

Pursuant to R14-3-211 and paragraphs 16 and 17 of the September 11,
2015 Procedural Order, Winkelman Natural Resource Conservation District, by
and through their counsel, Lat J. Celmins of Margrave Celmins, P.C. hereby
submits the summary testimony of William Dunn on behalf of Winkelman
Natural Resource Conservation District in this proceeding.

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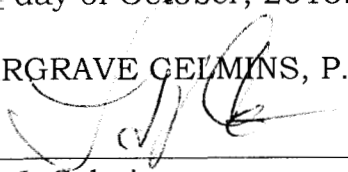
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Docket No. L-00000YY-15-0318-00171

1 Respectfully submitted this 13th day of October, 2015.

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10 **CERTIFICATION OF MAILING**

11 Pursuant to A.A.C. R14-3-204, the original summary testimony of William
12 Dunn was filed on behalf of Winkelman Natural Resource Conservation District
13 this 13 day of October with:

14 Utilities Division-Docket Control
15 **ARIZONA CORPORATION COMMISSION**
16 1200 West Washington Street
17 Phoenix, Arizona 85007

18 **Copy** of the foregoing mailed this 13 day of October, 2015 to:

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28 Kathy Allison

**WINKELMAN NRCD TESTIMONY
IN OPPOSITION TO PROPOSED ROUTING OF
SUNZIA TRANSMISSION LINE THROUGH ITS DISTRICT**

I. INTRODUCTION GENERAL EDUCATION AND WORK BACKGROUND

1. State full name and position with Winkelman NRCD.
William Dunn, Chairman, Winkelman natural Resource Conservation District
2. Attach personal biography showing education and work experience.
B.S. Management A.S.U.
45 years of management experience, owner Dunn Ranches, Kearny Az
40 years of natural resource management in the Winkelman District
12 years owner/operator General Kearny Inn, Kearny Az
President Arizona Association of Conservation Districts
Board member, Arizona Cattle Growers Association

Exhibit Win 01-BIO-William Dunn
3. General knowledge of SunZia routing through the District.
Committee chairman, Joint SunZia Winkelman and Redington Coordinating Committee, which conducted formal hearings with BLM and EPG on SunZia NEPA process for the districts.
4. Are you authorized to represent Winkelman NRCD in this proceeding in opposition to the CES application relating to the routing of the SunZia Transmission Line through your District? **Yes**

II. DISTRICTS, CONSTITUTIONAL AND STATUTORY RESPONSIBILITIES

1. Districts established by Arizona Constitution Article XIII Section 7.
Irrigation and other districts as political subdivisions
Irrigation, power, electrical, agricultural improvement, drainage, and flood control districts, and tax levying public improvement districts, now or hereafter organized pursuant to law, shall be political subdivisions of the state, and vested with all the rights, privileges and benefits, and entitled to the immunities and exemptions granted municipalities and political subdivisions under this constitution or any law of the state or of the United States; but all such districts shall be exempt from the provisions of sections 7 and 8 of article IX of this constitution.

Exhibits Win 02-Districts as Political Subdivisions
2. Statutory responsibilities regarding conservation of lands, soils, water, wild life and habitat areas and dealing with State agencies regarding

development, coordination relating to resource conservation programs and proper utilization of lands.

A.R.S. §37-1001. Declaration of policy

It is declared the policy of the legislature to provide for the restoration and conservation of lands and soil resources of the state, the preservation of water rights and the control and prevention of soil erosion, and thereby to conserve natural resources, conserve wildlife, protect the tax base, protect public lands and protect and restore this state's rivers and streams and associated riparian habitats, including fish and wildlife resources that are dependent on those habitats, and in such manner to protect and promote the public health, safety and general welfare of the people.

A.R.S. §37-1053. Powers and duties of supervisors

A. The supervisors shall:

1. Provide for the keeping of a record of all proceedings, resolutions, regulations and orders issued or adopted.
2. Furnish to the commissioner copies of such ordinances, rules, regulations, orders, contracts, forms or other documents adopted or employed, audits of the district or education center and such information concerning their activities as the commissioner requests.

B. The supervisors may appoint additional advisory members to the district governing body and delegate to the chairman or any member, or to any agent or employee, such powers and duties as they deem proper.

C. District supervisors shall require and provide for the execution of a corporate surety bond in suitable penal sum for, and to cover, any person entrusted with the care or disposition of district funds or property.

D. The compensation of the district supervisors shall be determined by the supervisors meeting as the governing body of the district but shall not exceed the compensation prescribed by section 38611, plus actual and necessary expenses of attending district meetings, and a per diem subsistence allowance and actual and necessary expenses while engaged in official business by order of the supervisors.

A.R.S. §37-1054 Powers of district

A. This state recognizes the special expertise of the districts in the fields of land, soil, water and natural resources management within the boundaries of the district. A district is empowered to:

1. Conduct surveys, investigations and research relating to the character of the soil, soil erosion prevention within a farm or ranch, methods of cultivation, farm and range practices, seeding, eradication of noxious growths and any other measures that will aid farm and range operations, disseminate information pertaining thereto, and carry on research programs with or without the cooperation of this state or its agencies or the United States or its agencies.
2. Conduct demonstration projects within the district on lands owned or controlled by the state or any of its agencies with the consent and cooperation of the agency having jurisdiction of the land, and on any other

lands within the district on obtaining the consent of the landowner or the necessary rights or interests in the land, in order to demonstrate by example the means, methods and measures by which water, soil and soil resources may be conserved and soil erosion and soil washing may be prevented and controlled.

3. Cooperate and enter into agreements with a landowner, an operator or any agency or subdivision of the state or federal government to carry on programs of watershed improvement, soil erosion prevention, methods of cultivation, cropping practices, land leveling and improvement on agricultural lands, and programs limited to methods of proper range use, reseeding and the eradication of noxious growth on grazing lands, all within the limits of an individual farm or ranch and subject to the conditions the supervisors deem necessary.

4. Acquire, by purchase, exchange, lease or otherwise, any property, real or personal, or rights or interest in any property, maintain, administer and improve any properties acquired, receive income from any property or right or interest in property and expend it in carrying out the purposes of this chapter, and sell, lease or otherwise dispose of any property or interest in property in furtherance of the purposes of this chapter.

5. Make available, on the terms it prescribes to landowners within the district, agricultural and engineering machinery and equipment, fertilizer, seed and other material or equipment as will assist the landowners to carry on operations on their lands for the purposes and programs authorized by this chapter.

6. Develop, publish and bring to the attention of landowners within the district comprehensive plans for the conservation of soil and water resources within the district that specify in such detail as may be feasible the acts, procedures, performances and avoidances necessary or desirable for the effectuation of the plans.

7. Apply for, receive and spend monies from the Arizona water protection fund pursuant to title 45, chapter 12 to be used in individual districts or in cooperation with other districts, persons, cities, towns, counties, special districts and Indian communities for projects consistent with title 45, chapter 12.

8. Employ agents, engineers, attorneys or other employees not readily available from existing state agencies.

9. Sue and be sued in the name of the district, have a seal, which shall be judicially noticed, have perpetual succession unless terminated as provided in this chapter, may make and execute contracts and other instruments necessary or convenient to the exercise of its powers and make, amend and repeal rules not inconsistent with this chapter to carry into effect its purposes and powers.

10. Accept donations, gifts and contributions in money, services, materials or otherwise, and use or expend them in carrying on its operations.

11. Organize and establish an education center.

B. No provision of law with respect to the acquisition, operation or disposition of property by other public bodies shall be applicable to a district organized under this chapter unless specifically stated therein.

C. After the formation of any district under this chapter, all participation there under shall be voluntary, notwithstanding any provision of this chapter to the contrary.

D. A district may send to the Arizona water protection fund commission established by title 45, chapter 12 written recommendations for geographic areas to be emphasized, issues of concern and measures to implement title 45, chapter 12. A district that sends written recommendations to the commission shall request information from at least the following:

1. The director of the department of water resources and the state land commissioner.

2. The federal and state fish, wildlife, recreation and natural resource agencies.

3. County and municipal entities.

4. The public.

E. The district shall develop procedures to ensure adequate participation in the public involvement process prescribed by subsection D of this section.

A.R.S. §37-1056 Cooperation between districts

The supervisors of any two or more districts organized under the provisions of this chapter may cooperate in the exercise of any power conferred in this chapter.

A.R.S. §37-1057 Cooperation by state agencies

Agencies of this state which have jurisdiction over or are charged with the administration of any state owned lands, and of any county or other governmental subdivision of the state which have jurisdiction over, or are charged with the administration of, any county owned or other publicly owned lands lying within the boundaries of any natural resource conservation district, may cooperate fully with the supervisors of such districts in the effectuation of programs and operations undertaken by the supervisors under the provisions of this chapter. The supervisors of any district organized under the provisions of this chapter may cooperate with any municipality within the boundaries of the district on matters relating to soil conservation or land use planning.

Exhibit Win 03-Statutory Responsibilities lands, soil, wildlife

III. SPECIFICS RELATING TO THE DISTRICT

1. District boundaries and geographic area and number of acres within its jurisdictional boundaries.

1,609,470 acres covering all of the eastern half of Pinal County, southern Gila County, western Graham County and northern Pima County.

Exhibit Win 04A-NRCS-WNRCD-History **Win 04B-Land Units Map**

2. Nature and composition of lands and ownership within the District, combination of State and Federal lands, portions of Tonto and Coronado National Forest, BLM lands, Arizona trust lands and private lands. There are approximately 1500 acres of irrigated land, the balance is grazing land with a small portion being mining lands.

Win 05A-WNRCD-LandOwnership Map Win 05-Land Percentages Breakdown

IV. DISTRICTS' MISSION STATEMENT

1. Discuss Districts' Mission statement in detail.

The mission/vision statement of the district is a living document that is constantly being updated to reflect the changes, values and challenges of a district that contains about 12 percent private lands; the rest being federal and state lands. The statement was updated last as a result of the U.S. Fish and Wildlife Service's (FWS) attempt to create a refuge in the lower San Pedro Valley (SPV). This would have had a devastating effect on the local tax base, resulting in further weakening of our local towns and school districts. We have spent the last several years working to create a locally driven alternative that will assure the FWS from coming back with another refuge proposal. We spent about a year and a half working on the vision document. It was then incorporated into the district Long Range Plan. The LSP being the home of numerous endangered species and species of concern is a focal point for mitigation investments for large companies in Arizona. We felt these investments and species needed to be protected on a local basis. Also, the SPV has a robust agricultural economy that would be hurt, perhaps mortally if a refuge is introduced here. Not only that but the valley is about 20 percent state lands. With the advent of a refuge, those surrounding state lands will be forever locked into a reduced "Highest and Best Value" of agriculture.

The FWS is watching for developments in the Valley closely that will, in their view, threaten the SPV. The FWS commented in the Final EIS, as did Arizona Game and Fish Department that they are against the power line coming through the SPV proving it is a high priority for them. The several parts of the vision statement address the various legislative mandates the districts are to protect, plus our local vision for the district; i.e. natural resources addressed through our statements about intact habitat corridors; our statement about protecting private property rights addressing our mandate to protect the local tax base.

2. Structure of the District and representation of its constituents.

The district is overwhelmingly rural. There are four small towns and four school districts within the district boundaries. Although the land base is dominated by agriculture, the economic base is dominated by copper mining and smelting. Because of the legislative mandates of the districts, our constituency is overwhelmingly agriculture producers.

3. Responsibilities of the District to its constituents and cooperators.

To protect the natural resources and the local tax base. We do that by bringing state and federal dollars to those resources through the state Land Department, state Department of Agriculture, the USDA, BLM and Forest Service and private dollars. The district is also an intermediary between producers and agencies whenever there are conflicts.

4. Your role as a Supervisor.

To represent our constituency and the natural resources. To incorporate science and best available science to all our actions. To follow Arizona's Open Meeting laws and to be accountable to the Legislature.

5. Examples of the type of meetings, actions and activities by the Districts.

Regular quarterly meetings to bring the constituents up to date on district activities. Hold special meetings as needed for same. We hold coordination meetings with agencies per their NEPA requirements to make their actions consistent with our plans and policies. Often one or more of our people will meet with agencies on behalf of constituents.

V. LONG RANGE PLAN – DETAILED DISCUSSION

Exhibit Win 06A-Mission Statement

Exhibit Win 06B-Land & Resource Management Plan

1. Goals

The goals of the district are enumerated and the obstacles to those goals are identified. The goals support our vision statement. They address the most important long term issues that threaten the viability of our producers to stay on and actively manage the land.

2. Objectives

- a. Avoid future ESA listings thru promotion of Best Management Practices.
- b. Prevent major thru infrastructure development that has a significant and negative effect on the natural resource base of the district and do not serve the community,
- c. Work toward mutual trust and understanding among our cooperators and stakeholders
- d. Maintain unfragmented landscapes by promoting:
 - e. Intact habitat corridors
 - f. Agriculture as a conservation use
 - g. Local culture
 - h. A land ethic
 - i. Appropriate recreation
 - j. Maintain or improve water resources
- k. Maintain a vigorous profitable agriculture base to keep the district rural and sustainable

- l. Encourage land uses that have positive effects on the natural resource base of the district as a whole
- m. Promote the sustainability of district schools and towns by protecting the local tax base and promoting the local economies and long term grazing leases to provide for the fourteen beneficiaries of the State Land Trust

3. Ongoing projects Win 07-Projects-Activities-Ongoing

Sonoran Desert Tortoise. Confronting the FWS with science in their decision on whether or not to list the Sonoran Desert tortoise (SDT) as endangered. The district spent over seven years and thousands of man hours in that project including coordination and development of best management practices for grazing in SDT habitat. The FWS just announced their decision to not list the SDT as endangered.

Mexican Wolf. FWS' plan to expand the 10J Rule for the Mexican Wolf. The district joined with 5 other districts in coordination to stop the expansion. Although the effort was unsuccessful, we confronted them with data that will be used in a lawsuit to stop the expansion.

Illegal Dumping. Illegal dumping is a ubiquitous problem in the district owing to its closeness to Arizona's major population areas. We authored and lobbied for a statute that strengthens law enforcement's ability to be effective in this area and published several version of a guide for trash dumping in Pinal County.

Conservation Resource Management Plans (CRM) are a planning tool that enables producers and agencies to identify and address, in a logical way, natural resource concerns of a management unit. The district's goal is to have 100% of our producers complete a CRM on their ranch or farm with a consistent monitoring protocol. This tool will give the agencies and producers the data to resist radical environmental organization's attempts to remove agricultural producers from the land.

Lower San Pedro Initiative. A joint project with the Redington District, attempts to bring outside funds to our producers to make them more efficient in their use of rangelands and irrigation, to keep them sustainable and be able to withstand short term production challenges and stay on the land. This will keep the San Pedro Valley open and rural.

Tonto National Forest Long Range Plan. The district is in the beginning stages of coordination with the Tonto National Forest to make sure their planning takes into account district plans and policies and makes their LRP consistent with them.

4. Planned projects Win 08-Projects-Planned
 - a. **Kearny River Fire.** This summer the Kearny River Fire burned about 1500 acres of river forest. The district is coordinating rehabilitation for that fire.
 - b. **Lower San Pedro Initiative:** joint project of the Redington and Winkelman NRCD
5. Completed projects. Win 09-Projects-Complete
 - a. **Finished Best Management Practices** document for grazing in tortoise habitat.
 - b. **Passed legislation for illegal dumping law changes.**
 - c. **Submitted RCPP grant proposal** in coordination with the Redington district
6. Districts' long range plan – discuss in detail.

The district has several policies that deal with large scale developments, including:

Policy 1, Major Corridors Policy. This policy spells out the reasons new energy, transportation and communication corridors negatively impact the district and its cooperators. Win 06C-Major Corridors Policy

Policy 4, Customs and Culture. This policy explains the importance to our cooperators of long standing customs and culture and how fragile it is in a world that is infringing upon it without giving any benefits to the community.

Win 06D-Customs and Culture policy

Policy 5, Ecotones. This policy explains the uniqueness of ecotones, such as that area along the San Pedro where the project is planned and how irreversible the destruction of it can be if the planned project becomes a corridor.

Policy 7, Major Developments. This policy deals with the cumulative effects and impacts of new large infrastructure in the district.

7. Actions taken by the District in furtherance of the long range plan. Regular quarterly meetings to bring the constituents up to date on district activities. Hold special meetings as needed for the same, such as the Kearny River fire. We hold coordination meetings with agencies per their NEPA requirements to make their actions consistent with our plans and policies. Often one or more of our people will meet with agencies on behalf of constituents.

8. Specific areas of concern and responsibility.

Win 10-Resource Concerns WNRCD

VI. RELATIONSHIP WITH FEDERAL AND STATE AGENCIES

1. Agreements and memoranda of understanding between district and federal and state agencies. MOU WNRCD & BLM, Coordinated Resource Management

Exhibits Win 11-MOU

VII. DETAILED DISCUSSION OF SEGMENTS OF TRANSMISSION LINE AND

THE DISTRICTS' INTEREST SEGMENT 4 ORACLE AREA TO WESTERN TERMINUS PINAL COUNTY

1. Map of Transmission Line Segment 4 Oracle area to western terminus Pinal County. Win 12 A-SunZia map panel G-Seg 4
Win 12 B-SunZia map panel D-Seg 4 Win 12 C-Sunzia map panel F- Seg 4
2. Discussion of environmental impacts and natural resource issues with detailed identification of the concerns.
3. All new routes need to also be built using aerial construction. Along co-located routes, use existing roads wherever possible and eliminate as many roads as possible after construction. When not possible the following protocols to be used:
 - a. Keep the disturbance above 3400 ft elevation wherever possible. That gets it up above the Sonoran Desert, where there is enough rain to get decent recovery.
 - b. Make them blade the top 4-5 inches of soil anywhere they put a blade down, and push that off topsoil to the side with clear instructions that the topsoil be protected at all costs for rehab. It is not to be disturbed once it is pushed off to the side. That top few inches of soil has all of the soil mycorrhiza, locally adapted seeds, bugs, etc needed for rehab. Any vegetation needed to clear should be pushed into that layer as well for organic matter.
 - c. Reshape everything just like it was before construction. On any heavy loam to clay soils, bring in 4-6 inches of sandy loam soil for the uppermost layer. Some soil swapping will be necessary as they go.
 - d. Once everything is shaped back to the original contours, topsoil that was set aside is to be spread back over the top of the disturbed area as uniformly as possible.
 - e. Seed native grasses in the fall, mid October to mid November. No less than 8 species. Drilled wherever possible, broadcast where needed at twice the seeding rate of drilled areas.

f. Straw wattles installed on the contour to minimize any runoff and prevent the erosion. The spacing depends on the % slope. These will also help keep vehicles off for a while, so more is better. Unknown what cows do with wattles... if they try to eat them, operator will be compensated for keeping them out of the area for a couple years.

g. Install drift fences alongside all existing roads and washes their disturbed area crosses, so that people can't turn off the existing roads and washes onto their new disturbed area. Those fences should extend far enough above and below the disturbance to be a strong deterrent. Check the fences every 2 weeks for the first two years, and repair any damages.

h. Upon notification of an area starting to erode, or of an area people are getting onto the disturbed area during the first 2 years, send out a crew within 2 weeks to repair any fences, install more wattles, and reseed.

Win 13-Sement 4-Environment-Resource-Issues

4. Listing of specific environmental and natural resource impacts.

a. Impact of access roads on environment, maintenance of access roads on State and private lands.

The impacts of roads is well known. Erosion, trash, incursions into unspoiled sensitive areas, introduction of non-native species, trampling of cultural resources. New roads are a gateway to illegal off-road travel. Maintenance and patrol is essential. Maintenance of the permitted road and patrol and obliteration of illegal roads that result from the legal ones.

Access roads relating to ongoing maintenance.

Access roads for maintenance should be signed at regular intervals to advise the public of Arizona's off-road rules. Sensitive areas should be drift fenced in strategic places and gated with locks, similar to gas line access roads.

c. Use of trucks and heavy equipment placement of structure.

- d. Removal of riparian vegetation and adverse impacts by riparian species in the desert. N.A.
- e. Water usage and impacts, adverse impacts on cultural resources. Cultural resources will be addressed by state law and monitored by SHPO. All other impacts to resources identified below should be mitigated in consultation with District.
- f. Visual quality.
- g. Flood plain issues and major washes.
- h. Impacts on soil.
- i. Impacts on sensitive water resources.
- j. Vulnerability of soil.
- k. Soil conditions are vulnerable to damage.
- l. Impacts on wild life.
Use Best Management Practices described in: *Ranching and Sonoran Desert Tortoise Working Group. Best Management Practices for Ranching in Sonoran desert tortoise (Gopherus morafkai) habitat in Arizona. 41 pp. plus appendices.*
- m. Future land use options would be compromised.
- n. Other impacts.

Win 14-Segment 4-Environmental-Resource-Issues Detail

VIII. DETAILED DISCUSSION OF SEGMENTS OF TRANSMISSION LINE AND THE DISTRICTS' INTEREST SEGMENT 3 SAN PEDRO RIVER CROSSING THROUGH THE SAN PEDRO RIVER VALLEY NEAR ORACLE

- 1. Map of Transmission Line Segment 3 San Pedro River Crossing Through the San Pedro River Valley Near Oracle.

Win 15A-SunZia map panel C-Seg 3 Win 15B-SunZia maps panel B-Seg 3

- 2. Discussion of environmental impacts and natural resource issues with detailed identification of the concerns.
- 3. Major concerns are with the new routes.
 - a. Along San Pedro. Highly erosive soils with opportunity for major erosion during construction and long term, for maintenance. The only way to mitigate is to carry all materials and equipment to all construction sites by air. All sites must be pre-surveyed for SDT and other species of concern and use Best Management Practices for removal of any species. Afterward, there can be no roads constructed for maintenance. At the

end of the construction, each site needs to be rehabilitated using plant species recommended by the district. Construction gathering sites need to be rehabilitated likewise unless it is on private land. Public dirt roads used for bringing in materials need to be maintained according to county specs and watered to keep down dust.

- b. Even with these measures, there is the likelihood of erosion on the new routes. Those routes need to be monitored for many years and mitigated per district guidelines. Alternately, the applicant can pay for monitoring and mitigation by district.
4. The new route along the San Pedro is for the most part within the ecotone between the semi-desert grassland and the Mexican Oak-Pine Woodlands transition zone. The importance of this ecotone for southern Arizona species is vitally important for numerous species of concern in Arizona. If this route becomes a new utility corridor it will destroy that ecotone, one of the most important ones in the southwest. It is vital that the Line Siting Committee declare and make it their policy that the San Pedro River Valley will not become a utility corridor and will resist any further locations of developments that will compromise the ecotone.
5. In co-located areas in this portion of the route use the following rules:
 - a. Keep the disturbance above 3400 ft elevation wherever possible. That gets it up above the Sonoran Desert, where there is enough rain to get decent recovery.
 - b. Make them blade the top 4-5 inches of soil anywhere they put a blade down, and push that off topsoil to the side with clear instructions that the topsoil be protected at all costs for rehab. It is not to be disturbed once it is pushed off to the side. That top few inches of soil has all of the soil mycorrhiza, locally adapted seeds, bugs, etc needed for rehab. Any vegetation needed to clear should be pushed into that layer as well for organic matter.
 - c. Reshape everything just like it was before construction. On any heavy loam to clay soils, bring in 4-6 inches of sandy loam soil for the uppermost layer. Some soil swapping will be necessary as they go.

d. Once everything is shaped back to the original contours, topsoil that was set aside is to be spread back over the top of the disturbed area as uniformly as possible.

e. Seed native grasses in the fall, mid October to mid November. No less than 8 species. Drilled wherever possible, broadcast where needed at twice the seeding rate of drilled areas.

f. Straw wattles installed on the contour to minimize any runoff and prevent the erosion. The spacing depends on the % slope. These will also help keep vehicles off for a while, so more is better. Unknown what cows do with wattles... if they try to eat them, operator will be compensated for keeping them out of the area for a couple years.

g. Install drift fences alongside all existing roads and washes their disturbed area crosses, so that people can't turn off the existing roads and washes onto their new disturbed area. Those fences should extend far enough above and below the disturbance to be a strong deterrent. Check the fences every 2 weeks for the first two years, and repair any damages.

h. Upon notification of an area starting to erode, or of an area people are getting onto the disturbed area during the first 2 years, send out a crew within 2 weeks to repair any fences, install more wattles, and reseed.

Win 16-Segment 3-Environ-Resource-Issues

6. Listing of specific environmental and natural resource impacts.

a. Impact of access roads on environment, maintenance of access roads on State and private lands. It has been the experience of the districts that roads are the major cause of new erosion. Even older roads that were properly engineered, without regular maintenance, become sources of erosion. Therefore the applicant should be required to maintain the construction and maintenance roads for the life of the project per district guidelines and post a bond that will insure this occurs.

b. Access roads relating to ongoing maintenance. See previous.

c. Use of trucks and heavy equipment placement of structure. Pinal County is a non-attainment county for PM 10 particulates. During construction, all roads, new and existing must be watered to keep down dust. The gathering sites also must be watered to keep down dust. All equipment should be cleaned with high pressure water upon arrival to

district in order to remove any invasive seeds brought from other places the equipment was previously working. Also, equipment must be inspected for fuel and oil leaks and all leaks repaired before use, re: Ranching and Sonoran Desert Tortoise Working Group. Best Management Practices for Ranching in Sonoran desert tortoise (Gopherus morafkai) habitat in Arizona. 41 pp. plus appendices.

Redington road is to be chip sealed being in this year by Pinal County to help address E.P.A. pm10 dust non-compliance concerns. It will not withstand the construction impacts of the heavy equipment required for the power line construction. Applicant must mitigate this.

d. Removal of riparian vegetation and adverse impacts by riparian species in the desert.

This doesn't affect route through the WNRCD for the riverine portion, if any riparian vegetation is encountered outside of the river bottom, they should contact affected landowner or district to see how to mitigate.

e. Water usage and impacts, adverse impacts on cultural resources. Rules will be dictated by SHPO.

f. Visual quality.

Less important the erosion for the land, more important for property values and therefore tax base.

g. Flood plain issues and major washes.

Major washes normally have legal or illegal roads in them. That being the case, it is better to transport using these roads and rehabilitate rather than build new roads.

h. Impacts on soil.

Compaction on roads must be mitigated before re-vegetation. Roads and subsequent rehabilitation must be engineered in consultation with districts.

i. Impacts on sensitive water resources and watersheds. Same as above

j. Vulnerability of soil.

k. Soil conditions are vulnerable to damage.

l. Impacts on wild life.

Impacts on wildlife are addressed in VIII.7.

m. Future land use options would be compromised.

If rehabilitation and follow-up maintenance is properly done by or with the advice of the districts, future land use compromise will be reduced, except for those industries that depend on an uninterrupted view, i.e. recreation.

- n. Other impacts.

Win 17-Seg 3- Environ-Issues-Detail

IX. REQUEST FOR ASSURANCES BY DISTRICT

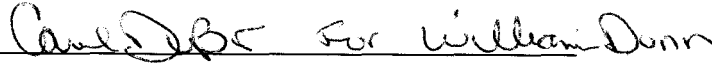
1. Assurances.
 - a. Bonding
 - b. Written into Plan of Development
 - c. Proof of Applicant's financial capacity. Many questions remain about the applicant's ability to finish this project; therefore, all mitigations and assurances must be memorialized and documents in the CEC permit. These should be heavily weighted upfront and made conditional to the successors-in-interest to the applicant.
 - d. Attorney fees for cost related to this application to district now and for future good faith lawsuits pertaining to SunZia
2. Construction and maintenance for materials and labor
 - a. Along the San Pedro River, and other new routes, there shall be no ground disturbance beyond the concrete bases for the towers and anchor wires.
 - b. Cable will be strung using helicopters All materials for construction would be flown in.
 - c. All maintenance to be done without land vehicles
 - d. On co-located routes , applicant must use existing roads, possibly closing some and must rehabilitate them
 - e. Field construction yards (large cleared areas for construction material storage) must be located on stable soils along existing roads with consideration given to threatened/endangered/protected species habitat.
 - f. All construction must be ground-truthed and must be sensitive to historical and cultural sites, to erodible soils, invasive plant species spread and endangered/threatened/protected animal and plant species.
 - g. Dust abatement and control.
 - h. Non-point source pollution control.
 - i. Best management practices for tortoise and any other species of concern must be developed, reviewed and utilized during survey, construction and maintenance.
3. Direct advisement capacity from the districts for site construction and rehabilitation:
 - a. Appropriate re-vegetation
 - b. Erosion Control
 - c. Maintenance

- d. Development of Best Management Practices for endangered, threatened, protected species
4. Long Term conservation investment-the value defined by the route's mileage and impact.
- a. This utility will require constant monitoring for effects below (downstream) from the project. It will increase local off-road traffic for the foreseeable future that will expand from the footprint of the project. There are no provisions in the Plan of Work for that offsite monitoring and remediation. The Districts are and can be take on that task. It will require a long term investment from the Applicant. Costs estimated to be \$50,000 per year for twenty years.
 - b. Even though the Sonoran Desert tortoise (SDT) has recently been removed from the Endangered Species list candidate species, it continues to be a protected species and probably will be petitioned again in the near future. In past decisions by the U.S. Fish and Wildlife Service, predators, specifically ravens were considered a threat to the species. Ravens use power lines for perches while scouting for prey. Therefore the power lines will be seen as and be blamed for increased predation to the SDT. The Districts have a long history of providing science to the agencies to help them make their decisions. The Applicant should invest in the Districts' project of monitoring all the Arizona Game and Fish transects around the state continue monitoring tortoise population and health. This will also directly benefit the Applicant. Cost estimated to be \$200,000.
 - c. Attorney fees.

Win 18- WNRCD Request for Assurances

Dated this 12 day of October, 2015.

WINKELMAN NATURAL RESOURCE CONSERVATION DISTRICT


Bill Dunn, Supervisor and Chairman